

The introductory exception of subsection (a) of this section. "[e]xcept as otherwise provided in Title 10, Subtitle 4 of the State Government Article", is added to clarify that the Commissioner may act summarily under certain circumstances. See SG § 10-405(b).

The express inclusion of the power to reprimand a licensee in § 9-408 of this subtitle, when read with this section, results in new express requirements that a hearing be held before the Board may reprimand a licensee and, consequently, that the review procedures of § 9-209 of this title be available to the licensee after a final Board decision to reprimand. This change is made to conform to other occupational board provisions found throughout the Code and to meet fundamental requirements of fairness.

As to the powers of the Commissioner to issue subpoenas for the attendance of witnesses to testify or to produce evidence, see § 9-203(b) of this title.

Defined terms: "Commissioner" § 9-101

"License" § 9-401

"Person" § 1-101

SUBTITLE 5. PROHIBITED ACTS; PENALTIES.

9-501. DOING BUSINESS AS EMPLOYMENT AGENCY WITHOUT LICENSE.

(A) PROHIBITED ACT.

EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT DO BUSINESS AS AN EMPLOYMENT AGENCY IN THE STATE UNLESS THE PERSON HAS A LICENSE ISSUED UNDER SUBTITLE 3 OF THIS TITLE.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 56, § 161, as it related to operating an employment agency without a license.

As to the referenced exceptions, see § 9-102 of this title.

Defined terms: "Employment agency" § 9-101

"Person" § 1-101

9-502. ACTING AS EMPLOYMENT COUNSELOR WITHOUT LICENSE.

(A) PROHIBITED ACT.

EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT ACT AS AN EMPLOYMENT COUNSELOR IN THE STATE UNLESS THE PERSON HAS A LICENSE ISSUED UNDER SUBTITLE 4 OF THIS TITLE.